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Attn: Examiner, Michael G. Mendoza, Commissioner for Patents, P.O.
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on August 8, 2006.


Thomas H. Majcher, Reg. No. 31,119
Customer No. 24201

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No. : 10/664,490
Applicant : John F. Boylan et al.
Filed : September 17, 2003
Art Unit : 3734
Examiner : Michael G. Mendoza
Title : EMBOLIC PROTECTION DEVICES

Confirmation No. 4845

Docket No.: : ACSES 65471
Customer No. : 24201

Los Angeles, California
August 8, 2006

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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DOUBLE PATENTING REJECTION (37 C.F.R. § 1.321(C))**

Dear Sir:

The owner, Advanced Cardiovascular Systems, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,702,834 issued to John Boylan on March 9, 2004. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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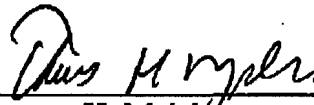
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Please charge the terminal disclaimer fee under 37 C.F.R. § 1.20(d) in the amount of \$130.00 and any additional fees or credit any overpayment to Deposit Account No. 06-2425. The undersigned is an attorney of record.

Respectfully submitted,
FULWIDER PATTON LLP

By:


Thomas H. Majcher
Registration No. 31,119

THM:lm

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From: Thomas H. Majcher

Re: App. for U.S. Ltrs Patent S/N 10/664,490
Filed: September 17, 2003
Title: **EMBOLIC PROTECTION DEVICES**
Inventor(s): John F. Boylan et al.
Our Docket No.: ACS 65471 (2133XXD)

Client/Matter: ACSES-98000
(65471)

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Per your request, please see attached Terminal Disclaimer originally faxed August 8, 2006 and Amendment originally filed July 12, 2007.